

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON

IN RE: SERZONE
 PRODUCTS LIABILITY LITIGATION

MDL NO. 1477

ENTERED

DEC 10 2002

SAMUEL L. KAY, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

THIS DOCUMENT RELATES TO ALL CASES

AMENDED DISCOVERY ORDER # 4

Pursuant to the Notice and Order to Show Cause entered November 15, 2002, this order will be published at the court's website, found at <http://www.wvsc.uscourts.gov/serzone/>.

Plaintiffs' Request for Production of Documents

Plaintiffs' Request for Production of Documents will be served on Defendant's Liaison Counsel no later than Friday, December 6, 2002. The Request is divided into nine sections by topic. It is hereby **ORDERED** that Defendant shall serve its Response as follows:

1. Boilerplate objections shall be numbered and placed as an introduction to the Response; objections to specific document requests shall be made by reference to the boilerplate number.

2. Best efforts shall be made to produce responsive documents on the date specified; delays in production necessitated by the volume of documents to be produced and the logistics of scanning and numbering the documents shall be limited, and Plaintiffs' Liaison Counsel shall be informed of the reason for the delay and

its probable extent. The parties shall meet and confer if disputes arise concerning delays in production. If the parties are unable to agree on reasonable periods of delay, the disputes shall be brought to the attention of the court.

3. Documents responsive to Sections A and B, Corporate Data (## 1-27) and FDA and Government Regulatory Documents (## 28-59), are due by close of business **Friday, January 24, 2003.**

4. During the week of Monday, January 27 through Friday, January 31, 2003, the Discovery Committee shall meet and confer concerning objections to requests in Sections A and B, and shall reduce to writing the areas of disagreement requiring prompt resolution and those matters which may be deferred.

5. Documents responsive to Sections C and D, Product Testing (## 60-88) and Withdrawal from the Market (## 89-96), are due by close of business **Friday, February 7, 2003.**

6. During the week of Monday, February 10 through Friday, February 14, 2003, the Discovery Committee shall meet and confer concerning objections to requests in Sections C and D, and shall reduce to writing the areas of disagreement requiring prompt resolution and those matters which may be deferred.

7. Documents responsive to Sections E and F, Labeling (## 97-104) and Marketing (## 105-128), are due by close of business **Friday, February 21, 2003.**

8. During the week of Monday, February 24 through Friday,

February 28, 2003, the Discovery Committee shall meet and confer concerning objections to requests in Sections E and F, and shall reduce to writing the areas of disagreement requiring prompt resolution and those matters which may be deferred.

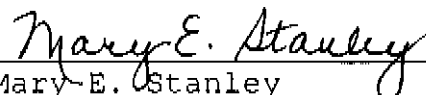
9. Documents responsive to Sections G, H, and I, Physicians and Scientists (## 129-132), Healthcare Insurers and Pharmacies (## 133-140), and Other Documents Concerning this Litigation (## 141-142), are due by close of business **Friday, March 7, 2003**.

10. During the week of Monday, March 10 through Friday, March 14, 2003, the Discovery Committee shall meet and confer concerning objections to requests in Sections G, H, and I, and shall reduce to writing the areas of disagreement requiring prompt resolution and those matters which may be deferred.

11. The next telephone conference call of the Discovery Committee will be at **2 p.m., Friday, December 13, 2002**, hosted by Plaintiffs. At that conference, the court will hear a report of the extent to which Plaintiffs and Defendant have agreed on the Fact Sheet to be completed by each plaintiff and will set a schedule for service of completed Fact Sheets on Defendant.

The court directs the Clerk to send a copy of this order to Plaintiffs' Liaison Counsel and Defendant's Liaison Counsel.

ENTER: December 10, 2002


Mary E. Stanley
United States Magistrate Judge